

**Lamoine Planning Board  
Lamoine, Maine  
April 13, 2010**

**FINDINGS**

**Map 3, Lot 8 – The “Stephens” Lot  
Application for Site Plan Review Permit**

On March 2, 2010, the Lamoine Planning Board unanimously denied a Site Plan Review permit sought by Doug Gott & Sons for the purpose of developing a gravel pit on the lot – Map 3, Lot 8, known as the “Stephens” lot.

Section J of the Site Plan Review Ordinance states: *“The Board shall approve the application unless the proposal does not meet the intent of one or more of the following criteria provided that the criteria were not first waived by the Board.”*

The Board found that the application failed to meet the following three criteria:

**Criterion #6. Buffering and Screening.** By a unanimous vote, the Board found that the requirement for *50 feet of screening* (Section `4 F 8) was not met. Once cleared to the 50 foot line separating the mining operation from three residential homes, the natural buffer – one of tall trees and sparse undergrowth – is not sufficient to “screen” the operation from abutters.

**Criterion #10. Groundwater protection.** By a vote of 3-2, the Board found that the application does not adequately account for the *protection of water quality*. A majority found that, because the flow of groundwater is toward Route 184, the proposed activity could negatively affect the water quality in wells serving residences across the road (approximately 150 – 300 feet from the pit boundary).

**Criterion #16.** *“The development shall be in conformance with the Comprehensive Plan.”* The Board, by unanimous vote, found the following.

1. The lot in question (Map 3, Lot 8) is in a Rural/Agricultural zone. The Town’s Comprehensive Plan envisions a Rural/Agricultural Zone as having limited commercial development. (See Policies and Policy Implementation Recommendations of the Comprehensive Plan Committee – 1. Orderly Growth and Development, Paragraph G of the Comprehensive Plan.)

This vision is reaffirmed in Part 1, Section E, Purpose of the Districts, paragraph 3 of the Lamoine Building and Land Use Ordinance which reads: (The purpose of) Rural and Agricultural Zone: *“To encourage a mixture of residential, agricultural and limited commercial uses.”* While sand and gravel extraction may take place within the Rural and Agricultural Zone, any industrial use, including sand and gravel extraction, requires a determination by the Planning Board that such a use is appropriate for the site within the context of the overall purpose of the Rural and Agricultural Zone.

The Board’s issue is the extent of sand and gravel extraction in a zone where such use is to be limited and needs to coexist with residential and agricultural uses.

A review of the assessors' tax maps in the Town office reveals that three companies (Doug Gott & Sons, John Goodwin, Jr. and R.J. Jordan) currently own lots with existing gravel extraction permits comprising nearly 275 acres in the area bound broadly by portions of Mill Road, Walker Road, Lamoine Beach Road and Asa's Lane. Gott also holds extraction agreements with two other landowners to extract sand and gravel in two additional parcels totaling 54 acres. In the recent past, Gott extracted sand and gravel from a town owned lot of about 40 acres in the same area. Altogether, *nearly 370 acres* which, in effect, comprise one large lot, are or have been used for gravel extraction within the Rural/Agricultural Zone in that part of Lamoine under discussion. The Stephens Lot, which abuts three residential properties and is directly across Route 184 from several others, would add 5.6 acres to this large parcel.

The Board is of the opinion that since the purpose of the Rural and Agricultural Zone recommended in the Comprehensive Plan is to encourage residential and agricultural developments, to permit limited commercial developments and to discourage heavy industrial use, a permit to develop yet another parcel as a gravel pit in this immediate area is contrary to that expressed purpose, and thus should not be granted.

2. The Comprehensive Plan of the Town envisions Lamoine as essentially a residential community. With regard to residential developments, the Plan identifies the "village area to Blunt's Pond" as having the most suitable soils for residential housing. It also notes that a significant portion of Lamoine's sand and gravel aquifer is located in this area. The current widespread gravel extraction operations described above are located precisely in this area deemed desirable for residential development and on top of the existing sand and gravel aquifer. Both concerns are addressed in the Comprehensive Plan.
3. Additionally, Section F of the Lamoine Site Plan Review Ordinance notes that one of the purposes of the site plan review, in addition to implementing the policies contained in the Lamoine Comprehensive Plan, is to balance the rights of landowners to use their land with the corresponding rights of abutting and neighboring landowners to live without undue disturbances from nuisances such as, but not limited to, noise, smoke, fumes, dust, odor, glare, traffic, storm water runoff or the pollution of ground and surface water.

At the March 2, 2010 public hearing on Gott's application to obtain a gravel permit for gravel creation from a new pit on this lot, several residents stated their complaints concerning current gravel excavation operations in the neighborhood. Complaints expressed included excavation equipment noise, gravel trucks entering the many pits on Rt. 184 as early as 5:30am, the high level of truck traffic on roads (with attendant dust, dirt and safety issues) despoiling property. They worry another operational pit still closer to their residential homes would exacerbate these conditions.

Also expressed at the public hearing was concern about the impact of extensive gravel mining operations on the value of residential property. Given that the proposed use would extend mining operations even closer to residences, visual degradation, dust, noise and high truck traffic volume will likely compromise property values of these residences. The Board agrees that these are legitimate concerns.

4. A final factor weighing in the Board's denial of the permit is the applicant's stated proposed use of the lot. In response to a specific Board request that the applicant state in detail on the application to what use the pit would be put, the applicant wrote: "once the lot is cleared and contoured as shown on the site plan (the proposed use) was the STORAGE of sand, loam and gravel." Let the record reflect the applicant has several other nearby, permitted lots in the immediate area on which to store materials.

## FINDINGS

### Map 3, Lot 8 – The "Stephens" Lot Application for Gravel Extraction Permit

Review Standard #6 of the Gravel Ordinance, Section 8 D 6 ("will not adversely affect surrounding properties") led the Board to deny issuance of a Gravel extraction permit. (See "buffering and screening" above). In response to a motion stating the applicant met this standard, the vote was zero in favor; four opposed and one abstention. The Board's findings in this regard are:

1. Given that the proposed use would extend mining operations even closer to residences, visual degradation, dust, noise and high truck traffic volume will likely compromise a) the quality of life of abutting residential property owners and b) the property values of these residences. See above findings.
2. Inadequate buffering and screening (See Criterion #6 "Buffering and Screening" above).

By a unanimous vote of those Board members voting at the April 13, 2010 Planning Board meeting (4 – 0), these findings are hereby set forth.

 4/15/10

(Signed: Gordon Donaldson, Planning Board Chair)

(Date)